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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,423	10/11/2001	William B. Noble	1328.014	9084

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EXAMINER

AVELLINO, JOSEPH E

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/975,423

Applicant(s)

NOBLE ET AL.

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4,6 and 8-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6 and 8-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-4, 6, and 8-20 are presented for examination; claims 1 and 15 independent. The Office acknowledges the cancellation of claims 5, 8, and 21-23.

#### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 6, 8-12, 15-17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. (USPN 6,571,245) (hereinafter Huang).

3. Referring to claim 1, Huang discloses a method for data sharing (col. 10, lines 4-14) comprising:

storing private data within a first private data memory (i.e. files not stored in the "sync folders") associated with a first sharing partner (i.e. a first user) (col. 11, lines 40-67);

selecting a portion of the private data to provide a private data portion (i.e. putting a file in the "sync folder") (col. 12, lines 1-10);

selecting a second sharing partner (i.e. shared files between two users at two desktop PCs) associated with the first sharing partner (this would be an inherent feature to the system of Huang, otherwise the system would not know which files and which

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computers to synchronize the files in the "sync" folder with) (col. 11, line 60 to col. 12, line 38).

associating the private data portion with the selected sharing partners (i.e. synchronize the file with other users and computers) (col. 11, lines 55-60);

pushing, upon initiation by the first sharing partner (i.e. when the file synchronization application reaches a designated update time), data in accordance with the first private data portion from the first data sharing partner to the second sharing partner as a first replicated data portion (i.e. if a file is created and does not exist, the recently created file is duplicated on the other desktop) (col. 12, lines 1-34);

Huang does not specifically disclose a second computer which does the same steps as the first sharing partner (i.e. storing second data, selecting data, selecting first data partner, associating, pushing, however it has been held obvious to replicate an invention to produce the same multiple results. See *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Therefore one of ordinary skill would understand that a second computer (i.e. another user's desktop PC) could utilize the functionality of the first desktop sharing partner. Furthermore Huang discloses the system can share files between two users at two desktop PCs (col. 11, lines 55-60) and that a newer synchronized item can be written over an older version (col. 12, lines 25-35). One of ordinary skill in the art that if the files need to be synchronized, then the file can be altered by the first sharing partner, and once the file synchronization application updates, the first data portion would be updated based on the altered information. By this rationale, one of ordinary skill in the art would find it obvious from the disclosure of

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Huang to provide a second sharing partner which pushes data from the second sharing partner to the first partner, and that the first partner alters the first data portion and automatically pushes the altered data to the second partner in order to ensure that both sharing partners of Huang have the most updated information available.

4. Referring to claim 2, Huang discloses creating a data tag, including one or more of a first sharing partner tag portion associated with the first sharing partner (i.e. creator), a selected sharing partners tag portion associated with the one or more selected sharing partners (i.e. who has access rights to it) , a data identifier tag portion (i.e. a file name), and a data time identifier tag portion (i.e. when last modified) (col. 10, lines 45-43); and

associating the data tag with the private data portion to provide tagged private data (col. 10, lines 36-53; Figure 7).

5. Referring to claim 3, Huang discloses creating a copy of the tagged private data to provide a tagged private data copy (Huang does not specifically disclose that the selected item is a private data portion, merely "a selected item"; however one of ordinary skill in the art would understand that all files can be duplicated, including private ones, and would find this obvious to make this correlation since it is a common feature in all computer systems) (col. 9, lines 15-21);

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placing the tagged private data copy into a first shared data memory (i.e. limited access folder 626) associated with the first sharing partner to provide tagged shared data copy (col. 9, lines 15-21; col. 10, lines 4-26); and

associating the tagged shared data copy with a respective one of the one or more selected sharing partners indicated by the selected sharing partners tag portion (col. 10, lines 4-14).

6. Referring to claim 4, Huang discloses copying the tagged shared data copy to a second shared data memory associated with the respective one of the one or more selected sharing partners to provide a tagged replicated data copy (col. 10, lines 45-61; Figure 7).

7. Claim 6 is rejected for similar reasons as stated above.

8. Referring to claim 8, Huang discloses altering the private data portion (i.e. an inherent feature that if files are synchronized, they must have been changed previously) (col. 11, line 47 to col. 12, line 37).

9. Referring to claim 9, Huang discloses automatically updating the tagged private data when the private data portion is altered by the first sharing partner (col. 12, lines 20-34).

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10. Referring to claim 10, Huang discloses selecting the one or more sharing partners with a GUI associated with the data tag (it is an inherent feature to the system that a GUI must be used to associate the files with sharing partners, since the user is the entity which chooses the sharing partners, and any interface which interacts a computer with a user can be considered a GUI) (col. 10, lines 4-14).

11. Referring to claim 11, Huang discloses altering the selected sharing partners tag portion with the GUI (as stated above, if the users are selected via the GUI, then the tag must be altered via the GUI, since this will be the only way which the files will be associated with the users) (col. 10, lines 4-14).

12. Referring to claim 12, Huang discloses changing the tagged shared data and the tagged replicated copy to match the tagged private data copy when the tagged private data copy is altered by the first sharing partner (i.e. recopying the file from the private folder into the public folder, and allowing synchronization to occur, see point (3) below) (col. 11, lines 62-67), however does not disclose the process automatically occurs.

However it was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). By this rationale, one of ordinary skill in the art would find it obvious to automate the process of updating the shared data copy and the replicated data copy

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when the private data is modified, in order to ensure the correct data is copied to the sharing partners, thereby providing up to ate copies of the files.

13. Claims 15-17, and 20 are rejected for similar reasons as stated above.

Claims 13, 14, 18, and 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Pike et al. (Defense Data Network, Defense Secure Network; FAS Intelligence Resource Program; February 11, 2000 <http://www.fas.org/irp/program/disseminate/ddn.htm>) (hereinafter FAS).

14. Huang discloses the invention substantively as described in the claims above. Huang does not disclose corresponding to military allies located in different countries. FAS discloses another data sharing system wherein the sharing partners corresponds to military allies in different countries (i.e. worldwide) (p.1). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of FAS with Huang in order to connect worldwide sub-networks to one another and to which classified circuits are encrypted in order to utilize the same network for all types of classes of traffic as supported by FAS (p. 1).

### ***Response to Amendment***

15. Applicant's arguments filed February 21, 2006 have been fully considered but they are not persuasive.



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16. In the remarks, Applicant argues, in substance, that (1) Huang does not disclose storing first private data within a first private data memory...and pushing upon initiation by the first sharing partner, data in accordance with the first private data portion from the first sharing partner to the second sharing partner.

17. As to point (1) Applicant is incorrect, as shown in col. 12, lines 1-38 of Huang, the first sharing partner has executing on the desktop PC a "file synchronization application" which, at designated times, exchanges with the file server information pertaining to the items in the sync folder. The synchronization application *running on the desktop PC* is in control of the update times. The files are not updated in response to a request from the file server. This is construed as the files being pushed by the first partner. By this rationale, the rejection is maintained.

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

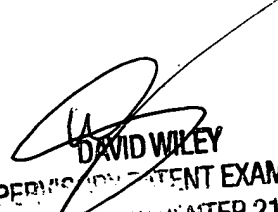
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JEA

April 4, 2006

  
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